IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9198 OF 2003

V. Narayanan Nair ... Petitioner

Versus

Vishal Konkan Cooperative
Housing Society Ltd. and Ors. Respondents

Mr. Sadashiv G. Deshmukh for Petitioner.

CORAM : F.I. REBELLO,J.
DATED : OCTOBER 19, 2005

P.C.

. Rule. Heard forthwith.

. It is the case of the Petitioner that all the dues have been deposited in the account of the society. The learned counsel produces copy of the statement of deposit. The Revision preferred by the Petitioner against recovery certificate under Section 101 of the M.C.S. Act has been dismissed on the ground that there was no 50% deposit. Considering the above, Petition is disposed of by issuing the following directions :

(1) Respondent society to consider the contentions as raised by the Petitioner and more specifically in terms of the chart submitted and if the amount is deposited, then make statement before the court where upon the impugned order will be set aside and the matter will be heard on merits.

(2) In the event, there is shortfall of 50% the Petitioner will be given an opportunity to pay the same within six weeks after making him know of the same.

. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)